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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,676	06/29/2001	Ulrich Zahoransky	SMB-PT026	8650

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VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 08/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/869,676

Applicant(s)

ZAHORANSKY ET AL.

Examiner

Tim Heitbrink

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-18, 22, 23, 27-30, 35, 37-42 is/are rejected.
- 7) ☒ Claim(s) 19-21, 24-26, 31-34 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, drawn to a process for the manufacture of injection molded articles.

Group II, claim(s) 7, drawn to a process for manufacturing a distribution channel arrangement.

Group III, claim(s) 8-42, drawn to an injection molding machine for the manufacture of injection molded articles.

2. The inventions listed as Groups I, II, and III do not relate to a single general inventive concept under PCT Rule 13.1. Evidence that they lack a single general inventive concept is found in Japanese Patent No. JP 10006363 A (Kinoshita). Kinoshita teaches the claimed features of claim 8 and thus shows that the instant application does not contain a single general inventive concept that contributes to the art over the prior art.

3. During a telephone conversation with Randolph J. Huis on 6-16-03 a provisional election was made with traverse to prosecute the invention of Group III, claims 8-42.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-7 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The disclosure is objected to because of the following informalities: "8"  
(paragraph 53, lines 2 and 6). Appropriate correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: element 161 found in Fig. 6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 5, "individual" should be changed to --said-- and "and" should be changed to a comma --,. On line 2, "with" should be changed to --comprising--. On line 3, before "mold" --feeding a plurality of-- should be inserted. On line 10, "feed(s) for the additive (8) is (are)" should be changed to --line is--. On line 11, "the" (both occurrences) should be changed to --a-- since proper antecedent basis is lacking for the channel main distributor and the channel subdistributor.

In claim 9, it is unclear if the additive feed is the same as or different from the additive feed found in claim 8. The Examiner suggests changing "an" (line 1) to --said-- and on line 2, changing "outlet" to --line--.

In claim 11, "the shutoff valve" lacks proper antecedent basis.

In claim 15, lines 2 and 3, "distributor with" should be deleted. On line 4, after "said" --main-- should be deleted. On line 5, it is unclear if the feed line is the same as or different from the feed line found in claim 14. On line 6, after "more" --of said-- should be inserted.

In claim 16, line 2, it is unclear if the subdistributor is the same as or different from the subdistributor found in claim 14. On line 3, "130" should be in parentheses.

In claim 42, lines 2 and 3, first and second layers of what?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 8,10,11,14-18,22,23,29,30,35,37-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent 10-6363.

Japanese Patent 10-6363 discloses an injection molding machine comprising an injection molding die 20, 21 made up of several layers, an injection unit 2 feeding a plurality of mold cavities 27, a distributor channel arrangement with distributor channels 12,24 that carry injection material between the injection unit and said mold cavities, at least one mixing apparatus 14 and at least one connection 17 for an additive line, wherein the mixing apparatus are integrated into the distributor channel arrangement, the mixing apparatus is part of the distributor channels and the additive line is connected to a main distributor 10.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9,12,13,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 10-6363.

Locating the additive feedline within a nozzle or melt channel or connected directly to a mold cavity would have been obvious in light of In re Japikse, 86 USPQ 70 where a shift in location of parts when operation of a device is not otherwise modified is considered within the skill of the ordinary artisan. Having a mixing chamber formed by a cross-sectional change or an additive line having two diameters would have been obvious in light of In re Dailey et al, 149 USPQ 47 where a change in shape of a known part is considered within the skill of the ordinary artisan absent a change in operation of the apparatus.


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Claims 19-21,24-26,31-34,36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 703-308-3789. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Tim Heitbrink  
Primary Examiner  
Art Unit 1722  
7-30-03

twh  
July 30, 2003